

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

ENERGY CONVERSION DEVICES, INC.,
et al.,

Debtors.

_____ /

JOHN MADDEN, Liquidation Trustee,

Plaintiff,

v.

ONTILITY LLC,

Defendant.

_____ /

Case No. 13-12932

Hon. Gerald E. Rosen

Bankr. Case No. 12-43166

Chapter 11

Hon. Thomas J. Tucker

Adv. Proceeding No. 12-4917

**ORDER WITHDRAWING THE
REFERENCE OF ADVERSARY PROCEEDING**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on July 10, 2014

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

By order entered on October 26, 2012 in Case No. 12-12653, this Court denied a motion brought by Defendant Ontility LLC to withdraw the reference of the above-captioned adversary proceeding to the Bankruptcy Court. In so ruling, the Court recognized that Defendant had demanded a jury trial and that, because Defendant did not consent to the Bankruptcy Court presiding over this trial, its “jury demand might well

provide a basis for the eventual withdrawal of this proceeding from the purview of the Bankruptcy Court.” (Case No. 12-12653, 10/26/2012 Order at 3.) Nonetheless, the Court found that Defendant’s request to withdraw the reference was premature, and that the Bankruptcy Court should instead preside over the adversary proceeding until such time as it was ready for trial. (*See id.* at 3-4.)

The adversary proceeding has now advanced to the stage where it is ready for trial, and the Bankruptcy Court has issued a recommendation that this Court should now withdraw the reference of this matter pursuant to 28 U.S.C. § 157(d). The Court having reviewed the Bankruptcy Court’s recommendation, and being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Bankruptcy Court’s recommendation to withdraw the reference (docket #1) is ADOPTED as the ruling of this Court. Accordingly, IT IS FURTHER ORDERED that the reference of the above-captioned adversary proceeding to the Bankruptcy Court is WITHDRAWN pursuant to 28 U.S.C. § 157(d) so that this Court may preside over the forthcoming jury trial in this proceeding. The Court will issue a notice directing the parties to attend a status and

settlement conference at which the Court, the parties, and their counsel can address the possibility of settlement and any other matters that the Court and the parties deem appropriate in advance of trial.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: July 10, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 10, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135